

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2004/002047

International filing date (day/month/year)
16.06.2004

Priority date (day/month/year)
19.06.2003

International Patent Classification (IPC) or both national classification and IPC
F02C7/143

Applicant
EDOARDO LOSSA S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2004/002047

10/560913

Box No. I Basis of the opinion

IAP20 Rec'd PCT/PTO 16 DEC 2005

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1,3,10
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

IAP20 Rec'd PCT/PTO 16 DEC 2005

1. Reference is made to the following documents:

D1: US 2001/022078 A1 (SASADA TETSUO ET AL) 20 September 2001 (2001-09-20)
D2: WO 2004/025102 A (MORIA GAL ; OPTIGUIDE LTD (IL); ZLOCHIN IGOR (IL)) 25 March 2004 (2004-03-25)
D3: US-B-6 318 0661 (SKOWRONSKI MARK J) 20 November 2001 (2001-11-20)

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 3, 10 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (see Fig.1 and 6, paragraphs [0212]-[0216],[0221],[0223]-[0225]; the references in parentheses applying to this document) a water treatment and pressurisation system comprising a lifting and pressurizing station (18-24) of vaporization of water, associated with a series of nozzles situated on nozzle-holder ramps (25) downstream of which there is one housing unit (62) for a humidity probe.
Although it is not written black on white that the temperature probe is within the housing unit, it would be a straightforward solution for the skilled person to select without the exercise of inventive skill such a position for the temperature probe in order to execute a measurement as suitable as possible.
Hence the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.2 The document D1 discloses also a water treatment system wherein the quantity of water sent to the nozzles can vary continuously according to the necessities (see paragraph [0213]).
Hence the subject-matter of claim 10 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.3 The feature in claim 3 is described in document D3 as providing the same advantages as in the present application (see D3, Fig.3, col.10 lines 8-34). The

skilled person would therefore regard it as a normal option to include this feature in the water treatment system described in document D1 in order to solve the problem posed.

- 2.4 The combination of the features of dependent claim 4 is neither known from, nor rendered obvious by, the available prior art and would be seen as being the core of the invention (to suck the air flow in different points in order to execute a suitable measurement).

Re Item VI

Certain documents cited

3. Certain published documents

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO2004/025102	25/03/2004	11/09/2003	12/09/2002

Re Item VII

Certain defects in the international application

4. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
5. To meet the requirements of Rule 5.1(a)(ii) PCT, the document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

Re Item VIII

Certain observations on the international application

6. The application does not meet the requirements of Article 6 PCT, because claim 2

is not clear, in the sense that it does not define any particular technical feature of the water and pressurization system.